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Senate of Pennsylvania

MEMO

DATE: February 28, 2011  
TO: All Senators  
FROM: Senator Bob Mensch *RB*  
SUBJECT: Co-sponsorship #5 - Prohibiting Workers' Compensation for Undocumented Workers

I am introducing legislation that will prohibit the award of workers' compensation for undocumented, illegal workers in the Commonwealth.

Pennsylvania does not prohibit an undocumented worker from receiving WC benefits - both medical and indemnity (wages) - despite their illegal residency status. State courts have reduced benefits for illegal workers over the years through rulings such as one that removed the requirement placed upon workers' compensation insurance carriers to prove there is work available within the physical restrictions of the injured worker when they want to modify or suspend indemnity benefits of illegal workers. However, benefits of lost wages and medical coverage are still being awarded because under state law undocumented workers are entitled to workers' compensation.

The United States Supreme Court recently refused to hear an appeal from Louisiana which challenged the award of workers' compensation to an illegal worker in that state because federal immigration laws should preempt any state, from allowing illegals to collect workers' compensation. By denying consideration of the case, the Supreme Court has left the matter up to the individual states.

My legislation will amend the Workers' Compensation Act to deem undocumented, illegal workers ineligible for workers' compensation benefits.

If you would like to co-sponsor this legislation, please call my office at (717) 787-3110 or email [gsarfert@pasen.gov](mailto:gsarfert@pasen.gov). If you have any questions, contact my legislative director, Geri Sarfert, at (717) 787-1640.

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